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Francis C. Hand
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Art Unit 3711

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Sebastiano Passaniti
Applicants: Frank Thomas
Serial No: 09/845,280
Filed: April 30, 2001
TITLE: A Golf Club Having An Alignment Device Thereon Customer No:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL REJECTION

Sir:

This is in response to the Final Rejection dated March 19, 2004.

Remarks

Claims 1 to 27 are in this application.

Claims 5 to 25 have been allowed.

Claims 1 to 4 stand rejected on the grounds of *Res Judicata* in view of the Board
of Patent Appeals and Interference decision dated August 15, 2003.

Claims 26 and 27 have been rejected as being unpatentable over Reach in view
of JP No. 405329233 (Seisaku).

Based upon the facts established in the attached Declaration of Ralph D. Maltby,
the rejections of claims 1 to 4 and 26 to 27 are not warranted pursuant to the provisions
of 35 USC 103. Specifically, the Declaration of Mr. Maltby provides new evidence that
the rejection of claims 1 to 4 as being unpatentable over Reach in view of Seisaku and
the rejection of claims 26 and 27 as being unpatentable over Reach in view of Seisaku
are not warranted under the provisions of 35 USC 103.

DO NOT ENTER 10/05/04 (SP)
OK TO ENTER IN VIEW OF 12/06/04 RCE FILED
2/5/05 (SP)

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